

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 778

94TH GENERAL ASSEMBLY

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Reported from the Committee on Seniors, Families and Public Health, February 14, 2008, with recommendation that the Senate Committee Substitute do pass.

3119S.02C

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapters 167 and 376, RSMo, by adding thereto two new sections relating to immunizations against the human papillomavirus.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 167 and 376, RSMo, are amended by adding thereto two new sections, to be known as sections 167.182 and 376.1252, to read as follows:

**167.182. 1. Each parent or guardian of a female student enrolling in grade six shall be provided information regarding immunizations against the human papillomavirus in accordance with this section.**

**2. (1) Each public school district shall provide the names and addresses of all parents and guardians of female students who are entering grade six to the department of health and senior services and the department shall mail to such parent or guardian age appropriate information relating to the connection between human papillomavirus and cervical cancer, and that an immunization against the human papillomavirus infection is available.**

**(2) Such information shall include:**

**(a) The risk factors for developing cervical cancer, the symptoms of the disease, how it may be diagnosed and its possible consequences if untreated;**

**(b) The connection between human papillomavirus and cervical cancer, how human papillomavirus is transmitted, how transmission may be prevented, including abstinence as the best way to prevent sexually transmitted diseases, and the relative risk of contracting human papillomavirus for primary and secondary school students;**

20 (c) The latest scientific information on the immunization against  
21 human papillomavirus infection and the immunization's effectiveness  
22 against causes of cervical cancer;

23 (d) That a pap smear is still critical for the detection of  
24 precancerous changes in the cervix to allow for treatment before  
25 cervical cancer develops; and

26 (e) A statement that any questions or concerns regarding  
27 immunizing the child against human papillomavirus could be answered  
28 by contacting a health care provider.

29 (3) Each informational mailing sent to the parents or guardian  
30 of female students who are entering grade six shall request that the  
31 parents or guardian of such students voluntarily furnish to the  
32 department not later than twenty school days after the first day of  
33 school a written statement, in a form prescribed by the department of  
34 health and senior services, stating that the parent has received the  
35 information required under this subsection and that:

36 (a) The student has received or is receiving the immunization;  
37 or

38 (b) The parent has decided not to have the student immunized.  
39 Such form to be returned voluntarily by the parent or guardian shall  
40 not request from the parent or guardian any identifying information of  
41 the female student or parent or guardian.

42 (4) The informational mailing shall have prominently displayed  
43 in bold type that the request from the parent or guardian for the  
44 written statement under subdivision (3) of this subsection is voluntary.

45 (5) Beginning July 1, 2009, the department shall submit to the  
46 general assembly a report detailing the number of sixth grade female  
47 students who have and have not been immunized against the human  
48 papillomavirus infection and the number of non-responses to the  
49 request for the written statement under subdivision (3) of this  
50 subsection. The information derived from subdivision (3) of this  
51 subsection shall be used for statistical purposes only and shall not be  
52 used to personally identify any parent or guardian, or any student.

53 (6) Nothing in this subsection shall be construed to prevent a  
54 student from school attendance if such parent or guardian has opted  
55 not to have the student receive the human papillomavirus  
56 immunization or has not returned the statement prescribed in

57 subdivision (3) of this subsection.

58           3. If a parent or guardian chooses to have the female student  
59 immunized for the human papillomavirus but is unable to pay, the  
60 student shall be immunized at public expense by a physician or nurse  
61 at or from the county, district, city public health center or a school  
62 nurse or by a nurse or physician in the private office or clinic of the  
63 child's personal physician with the costs of immunization paid through  
64 the Mo HealthNet program, private insurance or in a manner to be  
65 determined by the department of health and senior services subject to  
66 state and federal appropriations.

67           4. Funds for the administration of this section and for the  
68 purchase of vaccines for students of families unable to afford them  
69 shall be appropriated to the department of health and senior services  
70 from general revenue or from federal funds if available.

71           5. Any rule or portion of a rule, as that term is defined in section  
72 536.010, RSMo, that is created under the authority delegated in this  
73 section shall become effective only if it complies with and is subject to  
74 all of the provisions of chapter 536, RSMo, and, if applicable, section  
75 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
76 and if any of the powers vested with the general assembly pursuant to  
77 chapter 536, RSMo, to review, to delay the effective date, or to  
78 disapprove and annul a rule are subsequently held unconstitutional,  
79 then the grant of rulemaking authority and any rule proposed or  
80 adopted after August 28, 2008, shall be invalid and void.

          376.1252. 1. All individual and group health insurance policies  
2 providing coverage on an expense-incurred basis, individual and group  
3 service or indemnity type contracts issued by a health services  
4 corporation, individual and group service contracts issued by a health  
5 maintenance organization, and all self-insured group arrangements to  
6 the extent not preempted by federal law and all managed health care  
7 delivery entities of any type or description shall provide coverage for  
8 inoculations to fully immunize females who are not less than eleven  
9 years of age but not more than twenty-one years of age against the  
10 human papillomavirus.

11           2. Such coverage shall be in full and not subject to any  
12 deductible or copayment limits.

13           3. This section shall not apply to supplemental insurance

14 **policies, including life care contracts, accident-only policies, specified**  
15 **disease policies, hospital policies, coverage issued as a supplement to**  
16 **liability insurance, short-term major medical policies of six months or**  
17 **less duration, and other supplemental policies as determined by the**  
18 **department of insurance.**

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